

COOLEY GODWARD KRONISH LLP
STEPHEN C. NEAL (170085) (sneal@cooley.com)
JAMES DONATO (146140) (jdonato@cooley.com)
JOHN C. DWYER (136533) (dwyerjc@cooley.com)
JEFFREY M. GUTKIN (216083) (jgutkin@cooley.com)
101 California Street, 5th Floor
San Francisco, CA 94111-5800
Telephone: (415) 693-2000
Facsimile: (415) 693-2222

Attorneys for Defendant
NVIDIA CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ADVANCED TECHNOLOGY
DISTRIBUTORS, INC., a California
corporation, on behalf of itself and all others
similarly situated,

Plaintiff,

v.

NVIDIA CORPORATION; ATI
TECHNOLOGIES, INC.; and
ADVANCED MICRO DEVICES, INC.,

Defendants.

Case No. C-07-0581 CW

CLASS ACTION

**STIPULATED REQUEST TO CONTINUE
INITIAL CASE MANAGEMENT
CONFERENCE AND ADR DEADLINES;
ORDER**

JURY TRIAL DEMANDED

Plaintiff Advanced Technology Distributors, Inc. ("Plaintiff") and Defendants Nvidia Corporation ("Nvidia"), ATI Technologies ULC and Advanced Micro Devices, Inc. (collectively "AMD") hereby jointly request the Court to continue the initial case management conference and related deadlines in this action as follows.

1. On January 29, 2007, Plaintiff filed the complaint in this action ("Complaint"), which alleges claims under Section 1 of the Sherman Act, 15 U.S.C. § 1, and under state antitrust and consumer protection laws. Plaintiff styled the Complaint as a putative class action.

1 2. As of the date of this Stipulation, at least 46 other complaints have been filed in
2 this and other judicial districts. All of these complaints also allege federal and/or state law
3 antitrust claims against Nvidia and AMD and are styled as putative class actions.

4 3. On December 8, 2006, the plaintiffs in some of the other actions pending in this
5 district filed a motion before the Judicial Panel on Multidistrict Litigation ("JPML" or "Panel") to
6 transfer and consolidate in this judicial district all existing and subsequently filed antitrust actions
7 related to the claims alleged in the Complaint ("JPML Motion"). The JPML Motion is currently
8 pending in *In re Graphics Processing Units Antitrust Litigation*, MDL Docket No. 1826.

9 4. On January 16, 2007, AMD and Nvidia filed a response with the JPML supporting
10 consolidation and transfer of these actions to the Northern District of California, San Jose
11 Division, or, in the alternative, in the Northern District of California, San Francisco Division. To
12 date, every party responding to the JPML Motion has supported consolidation and transfer and no
13 party has opposed it.

14 5. Oral argument on the JPML Motion was held on March 29, 2007 in San Antonio,
15 Texas. The parties agree that, at some point, the JPML is likely to order transfer and
16 consolidation of these actions.

17 6. In light of these facts, Plaintiff and Defendants stipulated on February 7, 2007 to
18 extend the time for Defendants to respond to the Complaint to 30 days after (1) the order
19 resolving the JPML motion and (2) the filing and service of any subsequent consolidated
20 complaint, without prejudice to the right of Nvidia or AMD to seek additional time to answer or
21 otherwise respond to the Complaint for good cause shown.

22 7. Given the March 29, 2007 hearing date before the JPML, at least one of the dates
23 set forth in the Case Management Scheduling Order entered on January 29, 2007, including the
24 deadlines imposed by Federal Rules of Civil Procedure 26, Local Rule 16, and ADR Local Rule
25 3.5, will likely come to pass before the JPML acts on the pending motion.

26 8. Continuing the dates set forth in the January 29, 2007 Case Management
27 Scheduling Order would avoid the expenditure of unnecessary judicial resources until it is
28

1 determined whether this action will remain pending in this Court. It would also ensure
2 consistency in pretrial rulings and be convenient for the parties, including Plaintiff.

3 9. Accordingly, the parties hereby stipulate to and respectfully request that the Court
4 order a continuance of the dates set forth in the January 29, 2007 Case Management Scheduling
5 Order. The affected dates include the deadline to meet and confer and file joint ADR documents
6 (currently April 13, 2007); the deadline to complete Initial Disclosures, the Joint Case
7 Management Statement, and the Rule 26(f) Report (currently April 27, 2007); and the Initial Case
8 Management Conference (currently May 4, 2007).

9 10. The parties request that the Court continue the above referenced schedule as
10 follows: (1) the deadline to meet and confer and file joint ADR documents – June 22, 2007; (2)
11 the deadline to complete Initial Disclosures, the Joint Case Management Statement, and the Rule
12 26(f) Report – July 6, 2007; and (3) the Initial Case Management Conference – July 24, 2007.
13 Such a continuance will allow this matter to move forward promptly in the event that the JPML
14 Motion is denied and further proceedings before this Court are necessary.

15 11. Except as described in Paragraph 6, the parties have sought no previous
16 modification of the timing of any event or deadline set by the Court.

17 12. The parties agree to notify the Court promptly when the Panel rules on the JPML
18 Motion.

19 Respectfully submitted,

20 Dated: April 4, 2007

21 COOLEY GODWARD KRONISH LLP

22 By: /s/ James Donato
23 James Donato (146140)

24 Attorneys for Defendant
25 NVIDIA CORPORATION
26
27
28

1 Dated: April 4, 2007

Dated: April 4, 2007

2 LATHAM & WATKINS LLP

DAMRELL, NELSON, SCHRIMP, PALLIOS,
PACHER & SILVA

3
4 By: /s/ Charles H. Samel
Charles H. Samel (182019)

By: /s/ Fred A. Silva
Fred A. Silva (128464)

5 Attorneys for Defendants
6 ATI TECHNOLOGIES ULC and
7 ADVANCED MICRO DEVICES, INC.

Attorneys for Plaintiff
ADVANCED TECHNOLOGY DISTRIBUTORS,
INC.

1 FILER'S ATTESTATION:

2 Pursuant to General Order No. 45, § X(B) regarding signatures, I attest under penalty of
3 perjury that the concurrence in the filing of this document has been obtained from its signatories.

4 Dated: April 4, 2007

5 By: /s/ James Donato
James Donato

ORDER

Pursuant to the stipulation of the parties, all dates set forth in the January 29, 2007 Case Management Scheduling Order are hereby continued as follows: (1) the deadline to meet and confer and file joint ADR documents will be June 22, 2007; (2) the deadline to complete Initial Disclosures, the Joint Case Management Statement, and the Rule 26(f) Report will be July 6, 2007; and (3) the Initial Case Management Conference will be **July 24, 2007 at 2:00 p.m.** The parties are ordered to notify the Court promptly when the Judicial Panel on Multidistrict Litigation rules upon the motion for consolidation pending in MDL Docket No. 1826, *In re Graphics Processing Units Antitrust Litigation*.

Pursuant to stipulation, it is so ordered.

4/9/07

Dated: _____



The Honorable Claudia Wilken